

REMARKS

The limitations of claim 13 have been added to claim 11.

Of course, claim 13 has been canceled as redundant of amended claim 11.

Claim 15 has been canceled as inconsistent with amended claim 11.

Reconsideration is accordingly respectfully requested, for what amounts to the rejection of claim 13, as unpatentable over NOILES in view of SUBBA RAO et al. As the Examiner accurately points out, NOILES does not disclose the hemispherical kernel being thinner at its central region than at its peripheral regions.

As the Examiner also accurately points out, SUBBA RAO et al. teaches a change in thickness over the member 22 because the cavity 28 has side walls that are spaced at variable distances from the spherical perimeter 24 of member 22.

The purpose of the SUBBA RAO et al. arrangement, set forth in the Official Action, is better to accommodate the other parts of the prosthesis.

If the same principle could be applied to the present invention, then the combination of references might be legitimate.

But let us see whether it can.

In SUBBA RAO et al., the only way that a screw-threaded cavity 28 for releasably retaining the member 26 can be accommodated in member 22, is by providing a generally cylindrical cavity in 22, which is necessarily internally screw threaded. Otherwise, the parts would not hold together.

This automatically results in a variable thickness of the side walls of the cavity 28.

Let us see whether the same thing can be said of the present invention.

It cannot. In the present invention, the parts will fit together perfectly well as shown in our Figure 1, in which the member 4 has side walls of constant thickness.

It is in Figure 1 bis of our drawings, however, that we see the cavity having side walls of variable thickness.

But this is not for the purpose of better accommodating the other parts of the prosthesis. Indeed, it would have no such function, because Figure 1 accommodates the other parts of the prosthesis just as well as Figure 1 bis. Therefore, a person of ordinary skill in this art would not look to some other reference, for a teaching of how better to accommodate the other parts of the prosthesis. Such a person would not have to go beyond Figure 1. Such a person would never think to go to the embodiment of Figure 1 bis for this purpose.

Instead, what Figure 1 bis does, that Figure 1 does not, is this:

In Figure 1, the centers of curvature of the parts internal and external to the member 4, coincide. This means that, whatever rotates in the surface 4a of element 4, will always rotate or revolve about that fixed center, because any movement of the parts external and internal to member 4 in Figure 1, will always be about the same center of curvature. Thus, no matter how the parts of the Figure 1 arrangement move relative to each other, the movement will always be about the same fixed center of curvature.

But this is not true of the Figure 1 bis arrangement. In the Figure 1 bis arrangement, the centers of curvature of the external and internal surfaces of the member 4 are spaced apart from each other. This means that a compound movement can be imparted to the center of curvature of the member in contact with surface 4a, dependent not only on its movement relative to member 4, but also according to the movement of member 4 relative to member 2, that is in contact with the spherical outer surface of member 4.

This gives the possibility of imparting to the member internal to member 4, in contact with the surface 4a, a subtlety and sophistication of movement which is not possible in the arrangement of Figure 1.

In other words, in Figure 1, the centers of curvature 01 and 02 always coincide, no matter what the relative position of the parts. But in Figure 1 bis, the centers of curvature 01

and 02 can have movement relative to each other in any number of different ways, according to the relative movements of the parts in question. This is utterly impossible to the arrangement of our Figure 1.

Also, it has nothing whatsoever to do with SUBBA RAO et al. and the purposes for which the cavity 28 was provided in SUBBA RAO et al.

Therefore, for this reason, in addition to the reason previously given, SUBBA RAO et al. cannot properly be used in combination with NOILES, in order to teach the arrangement of our Figure 13.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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